
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Civil Revision No.7760 of 2013
Date of Decision: 03.11.2015.**

Labh Singh

...Petitioner

Versus

General Manager Haryana Roadways, Sonapat Depot

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Kharb, Advocate, for the petitioner.

Mr. Samarvir Singh, DAG, Haryana.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

KULDIP SINGH, J.(ORAL)

Impugned in the present revision is the order dated 04.10.2013 passed by Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat vide which it was held that the enquiry was fair as it was conducted after following the procedure and principle of natural justice. In the reference made under Section 10(1) Clause (c) of Industrial Disputes Act, 1947, the Industrial Tribunal-cum-Labour Court, Panipat framed the following issue:-

1. *Whether the termination of the services of workman Shri Labh Singh is legal and valid. If not, so, to which relief, the workman is entitled? OPW*

2. *Whether the enquiry as conducted against the workman was not fair and proper as alleged? OPW*
3. *Whether the workman has not come to the court with clean hands and has concealed the material facts from the Court. If so, its effect? OPM*
4. *Whether the claim statement is barred by delay and laches as alleged? OPM*
5. *Relief.*

Vide order dated 18.08.2009, issue No.2 was treated as preliminary issue and after recording the evidence it was decided in favour of the respondent.

I am of the view that issue No.2 will virtually answer the reference. Therefore, it could not be treated as preliminary issue. In view of decision on issue No.2, issue No.1 will have to be accordingly decided and so will be issue Nos.3 & 4.

It being so, the order dated 18.08.2009, treating issue No.2 as preliminary issue and consequential decision thereon as preliminary issue is hereby set aside. The Industrial Tribunal-cum-Labour Court is directed to record the finding on all the issues and decide them accordingly on merits and answer the reference.

Accordingly, the impugned order is set aside. The case is remanded back to the Industrial Tribunal-cum-Labour Court, Panipat

with a direction to allow the parties to lead evidence, if so required
and record findings on all the issues.

The revision stands allowed.

November 03, 2015

Ankur

**(KULDIP SINGH)
JUDGE**